

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clifford M. Farmer,

Civ. No. 18-2375 (SRN/BRT)

Plaintiff,

v.

Chad Johnson, Parole Agent; Derek
Weinke, Parole Agent; Lawrence K.,
Parole Agent; Shawn Bliven, DOC Agent;
Sam Azure, DOC Agent, Russ Jude, DOC
Agent; Bruce Meager, DOC Agent; Mark
Koderick, DOC Agent; Nate Cole, DOC
Agent; and D.O.C.,

REPORT AND RECOMMENDATION

Defendants.

In an Order dated January 8, 2019, this Court ordered plaintiff Clifford M. Farmer—who had been granted *in forma pauperis* status—to submit a properly completed Marshal Service Form for each Defendant within 30 days so that officers of the Court could effect service of process, failing which it would be recommended that the matter be dismissed without prejudice for failure to prosecute. (*See* Doc. No. 10.) That deadline has now passed, and Farmer has not submitted the required Marshal Service Form for any Defendant. Without information regarding where to direct the summons and Complaint, the Court cannot effect service of process, and the action cannot go forward. Moreover, more than 90 days has passed since the filing of this action and Farmer has not yet himself effected service of process of his own accord. *See* Fed. R.

Civ. P. 4(m). Accordingly, this Court now recommends, in accordance with its prior Order, that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: March 4, 2019

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within **14 days** after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).